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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and extreme poverty

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Members of the General Assembly the report on the question of human rights and extreme poverty submitted by Magdalena Sepúlveda Carmona, independent expert on the question of human rights and extreme poverty, in accordance with resolution 8/11 of the Human Rights Council.

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Report of the independent expert on the question of human rights and extreme poverty

Summary

The present report highlights the importance of social protection measures in the Millennium Development Goals agenda. It also stresses that social protection measures designed, implemented and evaluated within the framework of a rights-based approach are more likely to ensure the achievement of the Goals and to result in long-term improvements. In addition, the report argues that the use of a rights-based approach to social protection can maximize synergies across the Millennium Development Goals and have greater effect in terms of reducing extreme poverty and inequality.

As in previous reports, the independent expert outlines the main features of a rights-based approach to social protection. She pays particular attention to gender-related concerns as one of the core components of such an approach.

The report calls on States to devote increased attention to the issue of gender equality while designing, implementing and evaluating social protection programmes within a human rights framework.

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I. Background

1. The Human Rights Council, in its resolution 8/11, requested the independent expert on the question of human rights and extreme poverty to examine further the relationship between the enjoyment of human rights and extreme poverty. The resolution also called upon the expert to, inter alia, pay particular attention to the situation and empowerment of women in extreme poverty, and submit recommendations that could contribute to the realization of Millennium Development Goals.

2. In the 2000 Millennium Declaration (General Assembly resolution 55/2), political leaders committed themselves to "spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty". Over the past decade, with this goal in mind, several States have put in place or strengthened social protection initiatives to address the persistence of extreme poverty. Successful stories in various regions indicate that even low-income countries can make significant progress on the Millennium Development Goals by establishing and implementing well-designed social protection initiatives.

3. The present report highlights the importance of social protection measures in facilitating the achievement of the Goals. However, it stresses that social protection measures designed, implemented and evaluated using a rights-based approach are more likely to result in long-term improvements.

4. As in previous reports,[1] the independent expert outlines the main features of a rights-based approach to social protection and highlights the fact that gender sensitivity must be at the core of any rights-based social protection programme. While past reports have emphasized various components of a rights-based approach to social protection, particularly cash transfers and social pensions, the present report focuses on gender-related concerns. Furthermore, the report argues that the use of a rights-based approach to social protection can maximize synergies across the Millennium Development Goals and ensure that they work together with greater effect in reducing extreme poverty and inequality.

5. To assist in the preparation of the present report, the independent expert sent a questionnaire to Governments requesting detailed information about various social protection programmes as they relate to various Millennium Development Goals. The questionnaire asked about the possible contributions of social protection to the achievement of each of the Goals, requesting descriptions of the methods used to identify the most vulnerable groups, the specific initiatives developed to respond to their needs and the specific components included in such initiatives in order to promote participatory processes and accountability. As of 5 August 2010, 32 countries had responded; all submissions are available on the webpage of the mandate of the independent expert.[2]

6. The present report also benefited from a review of the existing literature and an expert meeting convened by the independent expert and the Rutgers University

[1] See A/64/279, A/HRC/11/9 and A/HRC/14/31.

[2] Armenia, Belarus, Bolivia (Plurinational State of), Botswana, Brazil, Colombia, Côte d'Ivoire, Cyprus, Finland, Georgia, Greece, Indonesia, Japan, Lithuania, Mexico, Nepal, Nicaragua, the Niger, Panama, Paraguay, Peru, Poland, Qatar, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Turkey, Ukraine and the United Republic of Tanzania. All responses are available at http://www2.ohchr.org/english/issues/poverty/expert/mdg.htm.

Center for Women's Global Leadership, at the Office of the United Nations High Commissioner for Human Rights from 1 to 2 June 2010. Experts from Governments, United Nations agencies, non-governmental organizations and academic institutions attended the meeting and contributed to the independent expert's work.

7. The independent expert expresses her gratitude to all States that submitted information and to the experts and non-governmental organizations that supported this process and assisted in the preparation of the present report. In future mission reports, she will continue to consider the topics addressed below.

II. Human rights and social protection

8. For the purposes of the present report, "social protection" refers to policies and programmes aimed at enabling people to respond to various circumstances and manage levels of risk or deprivation deemed unacceptable by society. The objectives of these schemes are to offset deprivation and ensure protection from, inter alia, the absence or substantial reduction of income from work; insufficient support for families with children or adult dependents; lack of access to health care; general poverty; and social exclusion.

9. Social insurance and social assistance are the two main segments of social protection.[3] "Social insurance" refers to contributory insurance schemes providing pre-specified support for affiliated members. "Social assistance" encompasses initiatives providing both cash and in kind assistance to those living in poverty. Relevant social protection measures addressing the needs of those living in extreme poverty include cash transfer schemes, public-works programmes, school stipends, social pensions, food vouchers and transfers, and user-fee exemptions for health care, education or subsidized services.

10. The duty to implement social protection policies to expand the protection available to persons living in extreme poverty flows directly from a number of human rights, in particular the right to social security and the right to an adequate standard of living, which are enshrined in the Universal Declaration of Human Rights, several international and regional human rights treaties,[4] conventions of the International Labour Organization (ILO),[5] and national constitutions. Ensuring access to social protection is thus not a policy option, but a State obligation under international human rights law. Understood in this way, human rights can greatly contribute to the building of the political support necessary to establish and expand social protection systems.

11. States must comply with the international human rights legal framework when designing, implementing, monitoring and evaluating social protection programmes.

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[3] The present report uses the terms "social protection" and "social security" interchangeably. See Committee on Economic, Social and Cultural Rights general comment No. 19.

[4] See articles 9, 10 and 11 of the International Covenant on Economic, Social and Cultural Rights, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 11 of the Convention on the Elimination of All Forms of Discrimination against Women, article 26 of the Convention on the Rights of the Child, article 27 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and article 28 of the Convention on the Rights of Persons with Disabilities.

[5] See Declaration of Philadelphia and ILO Convention No. 102 (1952), on social security (minimum standards).

To be sure, human rights standards do not provide answers to all the challenges faced by policymakers when designing social protection programmes. They do, however, impose legally binding obligations governing the discretion of States. Those obligations not only require States to put social protection systems in place, but also determine the manner in which they do so (obligations related to the process) and the intended results of such systems (obligations related to the outcome). Moreover, rights-based social protection measures help States to fulfil several human rights obligations, including ensuring the enjoyment of the right to the highest attainable standard of physical and mental health; the right to education, the protection of the family and maternity benefits; the right to fair and equal remuneration for work; and the specific rights of vulnerable groups such as children, older persons and persons with disabilities.

12. The elimination of all forms of discrimination, including gender-based discrimination, is an overarching human rights principle that must guide the conduct of States.[6] Given that gender inequality is a cause and a factor that perpetuates it, effective development strategies must take into account State obligations regarding gender equality and the protection of the full range of women's rights. This is made clear in the Beijing Declaration, which affirms that the "[e]radication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development".

13. Compliance with those principles is particularly important in the implementation of social protection systems. This stems from the International Covenant on Economic Social and Cultural Rights, which prohibits any form of discrimination in the fulfilment of all economic, social and cultural rights, including the right to social security, and ensures the equal rights of men and women. The Convention on the Elimination of All Forms of Discrimination against Women, inter alia, obliges States parties to eliminate or amend policies and practices resulting in unequal access for women to public services such as health care and family benefits. It also highlights the unique challenges faced by working women during pregnancy and maternity and it encourages States to ensure that women have access to various social services that support them as they balance their work and family obligations.

14. Efforts to advance a development agenda based on human rights must address State obligations concerning gender equality and women's empowerment. Since several social protection programmes, such as cash or asset transfer schemes, and public-works schemes, explicitly target women, it is often assumed that gender issues are already addressed. Such targeting, however, does not mean that gender dynamics have been adequately taken into account in the design, implementation and evaluation of such programmes. Owing to existing economic, social and cultural inequalities, women face a number of obstacles that affect their ability to benefit from social protection schemes. States must therefore examine and address the roles

[6] See articles 2 (2) and 3 of the International Covenant on Economic, Social and Cultural Rights, articles 2 (1), 3 and 26 of the International Covenant on Civil and Political Rights, article 2 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, article 2 (1) of the Convention on the Rights of the Child, article 1 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 4 (1) of the Convention on the Rights of Persons with Disabilities.

that power and gender dynamics play in the implementation, sustainability and impact of social programmes. Otherwise, such programmes may increase the vulnerability and inequality of women, and thus fail to comply with human rights standards.

III. The contribution of social protection to the achievement of the Millennium Development Goals

15. While the impacts of social protection programmes vary according to their objectives, their design and their level of implementation, as well as the level of development in the areas where they are implemented, there is strong evidence that such initiatives can significantly contribute to the reduction of extreme poverty and can thus be instrumental to the achievement of the Millennium Development Goals.[7]

A. Eradicating extreme poverty and hunger (Goal 1)

16. Social protection contributes to the achievement of Millennium Development Goal 1 (eradicate extreme poverty and hunger) by transferring resources to those living in extreme poverty, enabling the beneficiaries to generate income, protect their assets and accumulate human capital.[8]

17. At a basic level, social protection has the potential to shield the most vulnerable segments of society from various "shocks". These include personal crises such as lack of income due to unemployment, disability or sickness, as well as crises at the macro level such as economic slowdowns, large-scale structural adjustments or, increasingly, crises due to climate-change-related environmental degradation[9] (including crop failures, flooding and droughts). By transferring resources to those in need, social protection increases consumption, reduces a household's extreme vulnerabilities and prevents further deterioration in living conditions. Evidence suggests that without social protection, there will be, inter alia, an increase in poverty and the prevalence of child labour and HIV/AIDS, higher levels of exclusion from access to health and education, and low access to productive activities.[10] Social protection also helps to keep individuals who live on or close to the poverty line from backsliding into poverty following a sudden loss of income or increase in expenses.[11]

18. Moreover, several kinds of social protection programmes contribute to income generation and enable recipients to accumulate and protect assets, building their

[7] For a comprehensive study on the impact of cash transfer programmes, see A. Barrientos and M. Niño-Zarazua, *Effects of Non-contributory Social Transfers in Developing Countries: A Compendium* (Brooks World Poverty Institute, University of Manchester, 2010).

[8] World Bank, *The Contribution of Social Protection to the Millennium Development Goals* (2003); United Nations Development Programme (UNDP), *What Will It Take to Achieve the Millennium Development Goals? An International Assessment* (2010).

[9] M. Davies, K. Oswald and T. Mitchell, "Climate Change Adaptation, Disaster Risk Reduction and Social Protection", in *Promoting Pro-Poor Growth: Social Protection* (Organization for Economic Cooperation and Development, 2009).

[10] ILO, *World Social Security Report 2010/11: Providing coverage in times of crisis and beyond*, p. 8.

[11] W. van Ginneken, *Managing Risk and Minimizing Vulnerability: The Role of Social Protection in Pro-Poor Growth* (ILO, 2005),

resilience in the face of shocks and increasing their chances of escaping extreme poverty. The additional income that social protection provides through various types of cash or in kind transfers and microcredit schemes enables families and individuals to accumulate savings, engage in long-term planning and invest in productive assets.[12] Increasingly, social protection programmes are also designed to enable households to invest in human capital development, thus preventing poverty from being passed on from one generation to the next.

19. Many studies note the potential of social protection initiatives to promote progress towards the achievement of Millennium Development Goal 1, in particular target 1: halving income poverty by 2015. The World Bank estimates that social protection interventions could reduce the total poverty head-count rate by 5 to 10 per cent.[13] Data from national flagship programmes show such results. In Mexico, for example, the PROGRESA programme, a cash transfer scheme, may have led to a 36 per cent decrease in the poverty gap among beneficiaries.[14] Together with an increase in the minimum wage, Brazil identifies the expansion of its cash transfer programme, "Bolsa Familia", as the reason for its having met target 1 ahead of schedule.[15]

20. Numerous studies demonstrate that specific cash transfer programmes have been effective in working towards target 2 of the Millennium Development Goals: halving the number of persons suffering from hunger by 2015. For example, the Productive Safety Net Programme in Ethiopia, the National Rural Employment Guarantee Scheme in India, the initiative "Challenging the Frontiers of Poverty Reduction: Targeting the Ultra-Poor" in Bangladesh and the Kalomo District Pilot Social Cash Transfer Scheme in Zambia have all improved nutritional levels.[16] In a wide range of programmes and countries, there is strong evidence of a direct link between income supplementation and food consumption among beneficiary households.[17] A number of countries have noted the possible role of school meal programmes and the distribution of food baskets in the achievement of significant gains towards the fulfilment of target 2.[18]

21. In all instances, by protecting vulnerable groups, preventing regression into poverty, promoting income generation and investing in human capital, social protection programmes help to reduce income poverty and hunger. However, such programmes must be supported by sound macroeconomic and fiscal policies in order to ensure their long-term sustainability.[19] Moreover, their effectiveness in the attainment of human development objectives is greater when adequate social services are available.

22. While reducing income poverty is an essential first step towards the achievement of other development goals, extreme poverty cannot be defined simply in terms of income, and poverty reduction should not be measured solely on the

[12] Ibid., E. Sadoulet, A. de Janvry and B. Davis, *Cash Transfer Programmes with Income Multipliers: PROCAMPO in Mexico* (Food and Agriculture Organization of the United Nations, 2001).

[13] World Bank, *The Contribution of Social Protection to the Millennium Development Goals* (2003), p. 8.

[14] R. Künnemann and R. Leonhard, *A Human Rights View of Social Cash Transfers for Achieving the Millennium Development Goals* (Brot für die Welt, 2008), p. 10.

[15] Instituto de Pesquisa Economica Aplicada e Secretaria de Planejamento e Investimentos Estrategicos, *Objetivos de Desenvolvimento do Milenio* (2007), p. 26.

[16] Barrientos and Niño-Zarazua, *Effects of Non-Contributory Social Transfers*, p. 14.

[17] Ibid.

[18] Questionnaire responses of Brazil and Paraguay (see footnote 2).

[19] UNDP, *What Will It Take to Achieve the Millennium Development Goals?*

basis of global targets. Even if Millennium Development Goal 1 is achieved by 2015, it is likely that many of those living in extreme poverty will not be reached. Furthermore, the Goal may increase the incentives for States to focus attention on those most easily reached, namely, individuals living just below the poverty line, rather than those who are most marginalized and in need of help. States should adopt development plans that include precise national benchmarks and targets, fulfilling human rights obligations so as to ensure that those in extreme poverty are reached. Such obligations include those imposed by the International Covenant on Economic, Social and Cultural Rights, which requires States parties to take progressive measures to realize fully all economic, social and cultural rights while also ensuring minimum essentials for all.[20] Once again, this illustrates the importance of social protection measures, particularly social assistance measures, in prioritizing those in extreme poverty and in promoting universal protection as soon as resources allow.

B. Achieving universal primary education (Goal 2)

23. Social protection programmes often increase demand for education, therefore contributing to the realization of the right to education. Empirical evidence shows a close link between family income and the education of children.[21]

24. There are many examples of social protection programmes that directly target improvements in the school enrolment of children of beneficiary households by imposing conditionalities (co-responsibilities) related to school attendance and performance rates. Moreover, programmes that lack an explicit focus on schooling can also have a positive impact on the education level of children. For example, research shows that social pensions (non-contributory pensions for older persons) in Brazil, South Africa and Namibia have been used by grandparents to pay their grandchildren's school fees.[22]

25. While cash transfers enable families to absorb the costs associated with schooling,[23] other programmes, such as school feeding programmes or initiatives that provide fee waivers or subsidies for low-income families with children, also appear to be associated with higher school attendance levels.[24]

26. Several studies indicate a strong positive correlation between a family's vulnerability to economic shocks and a child's early entry into the labour market and reduced school attendance. A family that experiences a severe shock, for example, may have to remove a child from school in order to send him or her to work. Evidence from Latin America suggests that greater family access to risk

[20] See Committee on Economic, Social and Cultural Rights general comment No. 3, para. 10.

[21] Economic and Social Commission for Asia and the Pacific (ESCAP), *Achieving the MDGs in an Era of Global Uncertainty? Asia-Pacific Regional Report 2009/10* (2010), p. 58.

[22] S. Devereux, *Social Pensions in Namibia and South Africa* (Institute of Development Statistics, 2001); I. E. de Carvalho Filho, *Household Income as a Determinant of Child Labour and School Enrolment in Brazil: Evidence from a Social Security Reform* (International Monetary Fund, 2008).

[23] World Bank, *The Contribution of Social Protection to the Millennium Development Goals*, p. 4; A/HRC/11/9, p. 19.

[24] A. Barrientos and R. Holmes, *Social Assistance in Developing Countries Database* (Brooks World Poverty Institute, University of Manchester, and Overseas Development Institute, 2006).

management instruments, such as unemployment benefits or disability benefits, directly reduces the prevalence of child labour.[25]

27. In some cases, investment in infrastructure through public-works projects increases access to and the quality of educational facilities. Such projects can take the form of the building of schools[26] or of roads or bridges improving access to them. Several studies demonstrate the contributions of such investments to higher school enrolment rates and to the total number of years of accumulated education in the communities concerned.[27]

28. However, the independent expert stresses the need to be cautious in evaluating progress towards the achievement of Millennium Development Goal 2 (achieve universal primary education) through targets based solely on enrolment numbers. Whether the detected positive effects on school enrolment translate into substantive gains in education is a question still open for debate. While school enrolment and attendance are necessary, the establishment of additional policies to ensure the availability and adequacy of schools, the high quality of education and the transition from school to the labour market is also essential.

C. Promoting gender equality and empowering women (Goal 3)

29. When social protection is implemented within the framework of a gender-sensitive approach (as elaborated below), it enhances the status of women by, inter alia, strengthening their economic power, improving girls' access to education, increasing the participation of women in the workforce and providing them with income security in old age. Anecdotal evidence suggests that, by enabling them to gain control over household resources, some programmes directed at women have improved their social status and their confidence within their families and communities.[28]

30. Nonetheless, social protection programmes have limits. Many countries pride themselves on having achieved quantifiable improvements in gender equality, especially regarding girls' access to education. For example, the Female Secondary School Assistance Project in Bangladesh, which provides girls with a stipend so that they can attend school, has been recognized as successful in raising enrolment rates for girls.[29] However, States must take care not to limit their efforts to promote gender equality to improving parity between girls' and boys' enrolment rates. While stipends promoting girls' enrolment are important, they must be accompanied by broader measures addressing other concerns of particular importance to women, such as gender-based violence, including harmful traditional practices (for example, female genital mutilation and child marriage). Several countries have expressed

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[25] F. C. Rosati, A. Cigno and Z. Tzannatos, *Child Labour Handbook*, Social Protection Discussion Paper No. 0206 (World Bank, 2002).

[26] World Bank, *The Contribution of Social Protection to the Millennium Development Goals*, pp. 12-13.

[27] L. Rawlings, L. Sherburne-Benz and J. van Domelen, *Evaluating Social Fund Performance: A Cross-Country Analysis of Community Investments* (World Bank, 2003).

[28] Barrientos and Niño-Zarazua, *Effects of Non-Contributory Social Transfers*, p. 30; M. Molyneux, *Change and Continuity in Social Protection in Latin America: Mothers at the Service of the State?* (United Nations Research Institute for Social Development, 2007).

[29] A. Schurmann, *Review of the Bangladesh Female Secondary School Stipend Project Using a Social Exclusion Framework* (*Journal of Health, Population and Nutrition*, August 2009).

frustration at the narrowness of some of the indicators for Millennium Development Goal 3 (promote gender equality and empower women) and have chosen to focus their energies on their own indicators related to gender equality, such as formal workforce participation, wage gaps, political participation and domestic violence.[30] The independent expert believes States should adopt or revise national targets and indicators for all Millennium Development Goals in line with their obligations under human rights law, in order to accelerate their progress in achieving the Goals.

31. In any serious policy discussion about the Millennium Development Goals, their links with the gender dynamics of power, poverty and vulnerability must be recognized. A gender-sensitive approach towards the Goals can maximize synergies and help to tackle the root causes of poverty and vulnerability, thus helping to achieve all of the Millennium Development Goals, rather than just Goals 3 and 5.[31] Moreover, the Goals currently have limited gender-sensitive targets and indicators, and must be complemented by States' obligations regarding women's rights under international human rights law.

D. Reducing child mortality, improving maternal health, and combating HIV/AIDS, malaria and other diseases (Goals 4, 5 and 6)

32. While accessible, high-quality and gender-sensitive health-care services contribute to the achievement of Millennium Development Goals 4, 5 and 6,[32] social protection also contributes, both directly and indirectly, by addressing fundamental economic obstacles that result in health challenges, improving the overall standard of living and promoting the right to health.

33. Research indicates a possible relationship between social protection and declines in child mortality (Goal 4). For example, by eliminating financial disincentives, cash transfer programmes directed at families with small children have demonstrably increased the number of regular medical check-ups for such children, thus reducing the risk of child mortality.[33] Such programmes have also been effective in increasing the child immunization rates, reducing the incidence of illness and, in extreme cases, premature death.[34] Similarly, food transfers have demonstrably reduced malnutrition among children.[35]

34. Social protection can also promote maternal health (Goal 5). For example, social cash transfers, which provide additional income, can be used by beneficiaries

[30] Instituto de Pesquisa Economica Aplicada e Secretaria de Planejamento e Investimentos Estrategicos, *Objetivos de Desenvolvimento do Milenio*, pp. 50-65; questionnaire response of Colombia (see footnote 2).

[31] R. Holmes and N. Jones, *Gender-Sensitive Social Protection and the MDGs* (Overseas Development Institute, 2010).

[32] Owing to the similarity of the social protection interventions that address them, these Millennium Development Goals have been grouped together.

[33] Barrientos and Holmes, *Social Assistance in Developing Countries Database*; J. M. Aguero, M. R. Carter and I. Woolard, *The Impact of Unconditional Cash Transfers on Nutrition: The South African Child Support Grant* (UNDP, 2007).

[34] Barrientos and Niño-Zarazua, *Effects of Non-Contributory Social Transfers*.

[35] Barrientos and Holmes, *Social Assistance in Developing Countries Database*; see also footnote 22.

to cover health-care and transportation costs. Evaluations of the "Juntos" scheme in Peru, a conditional cash transfer programme, showed an increase of approximately 65 per cent in the number of prenatal and post-natal visits to health clinics and a reduction in the number of home births in areas where there were high levels of maternal mortality.[36] In addition, social funds supporting the development of local health-care infrastructure have been proved effective in reducing infant mortality rates.

35. Evidence also shows the positive impacts of social protection for people living with HIV/AIDS and their families. For example, in a number of African countries in which HIV/AIDS is prevalent, universal old-age pensions have significantly improved the lives of AIDS orphans raised by their grandparents.[37] There are also programmes that are testing how financial incentives in the form of cash transfers could have a positive impact in preventing HIV/AIDS (Goal 6). For example, the RESPECT Project, a pilot cash-transfer programme in the United Republic of Tanzania, uses cash as an incentive to reduce risky sexual activity among young people, male and female, who are at high risk for HIV infection and to provide counselling and periodic screening for sexually transmitted infections. The final outcomes of this approach have yet to be seen, and further human rights analyses are required.

36. The effects of social protection measures such as cash and in-kind transfers on the health status of persons living in extreme poverty will not be consolidated unless they are accompanied by adequate investment in the provision of health care and the guarantee of access to medicines. Also essential is coordination among various social policies, including coordination between programme managers and health service providers, to ensure adequate, accessible and gender-sensitive health-care services, even in the most remote and vulnerable communities. In addition, States should provide mass immunizations and public health awareness campaigns.[38]

E. Ensuring environmental sustainability (Goal 7)

37. Environmental degradation disproportionately affects those living in extreme poverty. Data show that extreme weather events such as storms, droughts and cyclones have particularly severe effects on those living in poverty and pose real and direct threats to their ability to live their lives in dignity. In most cases, they rely on natural resources for their basic means of survival and are less able to prepare for, or adapt to, climate change and its effects.

38. Extreme weather events caused by climate change can create vicious circles by increasingly forcing persons living in extreme poverty to over-exploit natural resources as a coping mechanism to ensure survival.[39] Any attempt to reduce

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[36] Barrientos and Niño-Zarazua, *Effects of Non-Contributory Social Transfers*.

[37] HelpAge International, *Age and Security: How Social Pensions Can Deliver Effective Aid to Poor Older People and Their Families* (2004).

[38] M. Adato and L. Bassett, *What is the Potential of Cash Transfers to Strengthen Families Affected by HIV and AIDS? A Review of the Evidence on Impacts and Key Policy Debates* (International Food Policy Research Institute, 2008); UNDP, *What Will It Take to Achieve the Millennium Development Goals?*

[39] ESCAP, *Achieving the MDGs in an Era of Global Uncertainty*, p. 59.

poverty must be accompanied by efforts to tackle and mitigate the effects of climate change at the country, community and individual levels.[40]

39. Social protection programmes can shield the most vulnerable and marginalized from shocks caused by environmental degradation as a result of climate change and help them to adapt and meet their needs without undermining the capacity of the environment to provide for those needs over the long term.

40. For example, appropriate social protection programmes could include cash transfers to those who are most vulnerable to climate change risks and have the least adaptive capacity. This could prevent them from using damaging coping mechanisms and help them to build assets and resilience through the development of more climate-resistant livelihoods, livelihood diversification or weather-indexed crop insurance.[41] Properly designed and implemented employment guarantee schemes could be another way in which to build the resilience of vulnerable persons in the face of climate change.[42] Social protection programmes must be among the pillars of the climate change action plans that are increasingly being formulated by Governments.

41. While it is positive that the importance of sustainable development is reflected in the Millennium Development Goals, it is regrettable that they fail to include a specific goal or target related to climate change. This is despite the fact that those living in extreme poverty are affected the most by, yet have contributed the least to, the phenomenon. In addition, Goal 7 (ensure environmental sustainability) is criticized for not appropriately representing the realities of developing countries.[43] For instance, many low- and middle-income countries argue that they cannot afford to focus on renewable energy sources, such as solar and wind power, and instead need to use natural resources to achieve the Millennium Development Goals.[44] While this is a complex issue, the "pollute first, clean up later"[45] approach is clearly not a viable option. For most low-income countries, Goal 7 is not necessarily about cutting emissions, but rather about enabling those in poverty to "manage, control and sustainably develop natural resources".[46] In this regard, social protection programmes can play a considerable role.

42. While climate change simultaneously poses massive challenges for human rights and the prospects of those living in extreme poverty, the international and domestic actions required in the context of climate change represent an unparalleled opportunity to overcome poverty, generate new levels of development, further the realization of human rights and build a more stable, balanced and robust global

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[40] M. Davies, K. Oswald, T. Mitchell and T. Tanner, *Climate Change Adaptation, Disaster Risk Reduction and Social Protection* (Institute of Development Studies, 2008).

[41] Institute of Development Studies, *Connecting Social Protection and Climate Change Adaptation* (2007).

[42] Davies, Oswald, Mitchell and Tanner, *Climate Change Adaptation, Disaster Risk Reduction and Social Protection*.

[43] Overseas Development Institute, *Achieving the MDGs: The Fundamentals* (September 2008).

[44] E. Solheim, "Climate, Conflict and Capital", in *Poverty in Focus*, No. 19, 2010 (International Policy Centre for Inclusive Growth Poverty Practice, Bureau for Development Policy, UNDP).

[45] F. Urban, *The MDGs and Beyond: Can Low Carbon Development be Pro-Poor?* (Institute of Development Studies, *IDS Bulletin*, vol. 41, No. 1, 2010), p. 98.

[46] Office of the United Nations High Commissioner for Human Rights, *Claiming the Millennium Development Goals: A Human Rights Approach* (United Nations publication, Sales No. E.08.XIV.6), p. 38.

economy. States — particularly the industrialized countries that emit high levels of greenhouse gasses — must provide substantial funding, separate from and additional to pre-existing official development assistance (ODA) commitments, to help developing countries adapt to the inevitable effects of a warming climate.

F. Developing a global partnership for development (Goal 8)

43. Several developing countries face human, technical and financial constraints in establishing robust social protection systems. They require funds in order to first establish and then scale up such programmes. In this sense, social protection provides an excellent opportunity to forge stronger global partnerships. As addressed in previous reports, legally binding obligations and political commitments such as those set out in the Millennium Declaration and the Millennium Development Goals highlight the shared international responsibility for poverty reduction. International support for social protection measures becomes even more relevant in the context of the global economic crisis and its severe impact on the least developed countries. Unfortunately, the international community is failing to meet its ODA commitments, with negative consequences for the expansion of social protection systems around the world.

44. One of the most positive initiatives aimed at strengthening global partnerships in the context of social protection is the Social Protection Floor Initiative, launched in 2009 by the United Nations System Chief Executives Board for Coordination. Identifying a number of basic human rights obligations as focal points, the Initiative helps mobilize resources and expertise to assist countries in filling critical gaps in protection. The Initiative could be understood as the minimum set of policies upon which States can build higher standards of protection once national budget capacities have increased. It could be strengthened through the greater incorporation of human rights and the broadening of its scope to all relevant actors at the country level, including civil society organizations and the private sector.

IV. Gender inequalities and the implementation of social protection systems

45. As argued in the present report, social protection can play a crucial role in facilitating the achievement of the Millennium Development Goals. However, this cannot be accomplished without a strong emphasis on gender equality.

46. In view of the effect of gender dynamics on the realization of all the Millennium Development Goals, organizations have suggested that investing in women should be the first strategy for achieving the Goals.[47] The independent expert believes that at the current stage, the achievement of the Goals greatly depends on the strengthening of women's enjoyment of the full range of their human rights, including gender equality and women's empowerment.

47. Rights-based social protection systems can support progress towards the achievement of the Millennium Development Goals by, inter alia, promoting

[47] UNDP, *UNDP's MDG Breakthrough Strategy: Accelerate and Sustain MDG Progress* (2010), p. 9.

women's participation in economic activities, increasing their participation in the workforce, providing them with income security in old age and improving nutritional levels and food security, as well as girls' access to education. If women cannot, on an equal basis with men, benefit from development, participate in the labour market and participate in public decision-making, the achievement of the Goals will be seriously compromised.

48. In the sections below, the independent expert describes some of the key issues to be considered in ensuring that social protection policies properly address gender inequalities.

A. Gender inequality and vulnerability to poverty

49. Gender inequality causes and perpetuates poverty. Gender-based discrimination limits women's opportunities to gain access to education, decent work, land ownership, credit, inheritance and other economic resources, thus increasing their likelihood of living in extreme poverty.[48] Other factors, including age, ethnicity, race, disability and health status, compound the discrimination that women face and affect their living conditions. Accordingly, it is widely accepted that improving the situation of women is essential for sustainable development.[49] Eliminating extreme poverty in the long run, therefore, requires careful consideration of the various types of risks and the vulnerability to poverty experienced by men and boys and by women and girls.

50. Economic shocks affect women and men differently.[50] Owing to discrimination and gender inequality, women are disproportionately represented in the informal economy and thus have less access than men to many social insurance benefits, such as pensions and unemployment and sickness benefits. Even where women are employed in the formal labour market, discrimination often results in lower wages. Moreover, an interrupted work history as a result of care responsibilities, in particular child-rearing, and a longer life expectancy worldwide reduce the ability of women to contribute to social protection schemes and further disadvantage them in old age.

51. Women tend to work in sectors greatly affected by economic instability. During economic crises, they are thus often the first to lose their jobs. Furthermore, owing to lower levels of education, less control over productive resources and access to different supportive networks, they have weaker negotiating positions than men and fewer chances of finding other income-generating activities in which to engage.

52. The gender-specific effects of economic shocks are also apparent within households. When such shocks are confronted, gender bias within the household may lead to the allocation of fewer resources (such as food) to women or the selling of female-owned assets as an initial coping strategy. Moreover, during periods of crisis, women disproportionately suffer the impacts of public spending cuts on essential services and incur a heavier load of unpaid work than men.

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[48] UNDP, *Human Development Report 1995 — Gender and Human Development* (1995).

[49] Overseas Development Institute, *Gender and the MDGs* (2008).

[50] K. Ezemenari, N. Chaudhury and J. Owens, *Gender and Risk in the Design of Social Protection Interventions* (World Bank Institute, 2002), p. 2.

B. Social protection programmes and the contribution of women as caregivers

53. Gender concerns remain largely ignored, even when social protection schemes specifically target women within households or female-headed households.[51] The channelling of social protection to women may amplify the impacts of certain schemes reaching children or older persons, but it does not ensure that the root causes of gender inequality are adequately addressed. Evidence shows that social protection systems are rarely gender-neutral and that badly designed programmes can exacerbate or contribute to inequalities.[52]

54. The fact that structural discrimination against women prevails in most societies and the consequent limited influence of women in decision-making processes must be taken into account in all stages of programmes. Gender stereotypes frequently attribute to women the responsibility of caregiving, particularly for children and older persons. While such activities contribute significantly to household and community well-being and development, they often go unrecognized by States and societies. Domestic responsibilities are usually not remunerated, and they often prevent women from gaining access to the formal labour market and limit the opportunities for women and girls to participate in capacity-building activities, including education and training.

55. It is widely accepted that the provision of social protection benefits to women significantly improves the education, health and nutritional levels of children.[53] Understandably, this component has been incorporated into many social protection schemes around the world, with very positive consequences. However, the specific channelling of social protection towards women to increase the well-being of other household members must not undermine women's enjoyment of their human rights. The design of programmes should respect and acknowledge the role of women as care providers without reinforcing patterns of gender discrimination and negative stereotyping.

C. Developing gender-aware social protection initiatives

56. In order to ensure that men and women benefit equally from them, social protection systems must address women's life-cycle risks and the impediments to women's access to work and productive activities, as well as the burden of care.

57. In all types of programmes, it is crucial to ensure that gender-sensitive eligibility criteria are utilized. Some administrative requirements, such as the requirement that identification or birth registration documents be shown in order to qualify for a programme, may exclude women as they are less likely to possess an identity card or to have been registered at birth. Moreover, targeting methods can be dangerous if no attention is paid to local power structures. For example, having

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[51] R. Holmes and N. Jones, *Putting the Social Back into Social Protection: A Framework for Understanding the Linkages between Economic and Social Risks for Poverty Reduction* (Overseas Development Institute, 2009).

[52] M. Davies, *DFID Social Transfers Evaluation Summary Report* (Institute for Development Studies, 2009).

[53] R. Holmes, N. Jones and J. Espey, *Gender and the MDGs: A Gender Law Is Vital for Pro-Poor Results* (Overseas Development Institute, 2008).

community leaders determine who receives benefits (community targeting) can reinforce power structures, local gender norms and patron-client relations, often to the detriment of women, who are less able than men to influence decision-making processes. In some cases, community-targeted programmes have resulted in the further exclusion of already socially marginalized women.[54]

58. Social protection programmes must devote particular attention to intra-household dynamics and the inequalities and processes that create them. For example, qualifying conditions for benefits should move beyond the household and address how resources are distributed within it. The use of household targeting methods can put women at a disadvantage by ignoring the fact that women, in particular older women and girls, often receive fewer resources than men and boys, regardless of household income.

59. Social protection programmes must take into account and address all obstacles preventing women from gaining access to or participating in them. Childcare facilities, for example, appear to be effective in ensuring the participation of women in social protection programmes. Public-works programmes should allow for flexible working hours in order to accommodate domestic responsibilities. In addition, public-works activities could prioritize the promotion of gender-sensitive community assets (for example, facilitation of access to water, sanitation and firewood). In addition, policymakers could assess the feasibility of moving beyond employment-intensive social infrastructure projects to include some activities that might attract women while lessening their burden of unpaid work, such as child or elderly care. In any case, public work programmes must always ensure there are equal wages for men and women.

60. Conditional cash transfer programmes, in which women are expected to take full responsibility for meeting the conditions attached to programme participation (such as ensuring that children attend school and undergo compulsory medical check-ups) can be of particular concern. By imposing such responsibilities only on women, programmes may perpetuate gender stereotypes, limit women's ability to work and further undermine their well-being. Additional demands on their time may limit women's ability to seek health care (particularly if health-care centres are not easily accessible and childcare is unavailable) or further deprive them of leisure time. In some situations, such requirements can place a woman at risk of violence or abuse within the household for not having ensured compliance and thus having lost the benefit. They can also create scope for abuse by the relevant authorities, such as teaching personnel or health service providers.

61. In designing social protection programmes, policymakers must determine whether delivering benefits directly to women could lead to intra-household disputes and increase gender-based violence. Moreover, programmes must ensure that the social services offered are accessible, available and of good quality.

62. In addition, States must determine whether the way in which a programme channels the transfer causes or perpetuates the unequal distribution of labour between the genders within the household. For example, a programme that increases the amount of time that a mother spends away from home may have a detrimental effect on girls' schooling if girls are then required to carry out the activities usually performed by the mother, such as cooking or collecting water.

[54] Davies, *DFID Social Transfers Evaluation Summary Report*.

63. Gender inequality and discrimination patterns greatly affect the equal opportunities of women and men to seek, share and receive information about social protection programmes, participate in decision-making processes and register complaints that can result in local authorities being held accountable. The designing and implementation of participatory channels without taking into account gender relations within the community may reinforce women's dependency on men. For example, women may be present at a community meeting, but gender roles may prevent them from expressing their concerns, especially if male members of the community are present.

64. Social protection programmes must include accountability mechanisms that are accessible to both men and women. Their design must thus take into account the gender dynamics within the community and the household that may prevent women from voicing or lodging a complaint. Such mechanisms must also take account of the realities of gender-based violence and sexual harassment. Women, for example, might be reluctant to participate in programmes or claim rights and entitlements for fear of violence or abuse from male community members[55] or sexual harassment from a male programme implementer. Monitoring and evaluation mechanisms must also incorporate sex-disaggregated indicators to assess and improve their ability to take into account women's voices.

65. In order to ensure that women's rights are fully respected, social protection programmes must be accompanied by gender-sensitive social services, including sexual and reproductive health care. This requires investment in public services, without which social protection programmes will not be effective. Women and girls, for example, may be prevented from meeting conditionalities imposed by a programme if social services are far away and transportation costs are too high, or if they fear being sexually assaulted while making the trip required. Girls may not attend school if there are no separate sanitation facilities for them or if they are harassed by teachers or other students. Mothers may not bring their children to the hospital owing to discriminatory practices on the part of health-care providers (for example, requesting the consent of the husband) or communication difficulties (for example, women might be expected to demonstrate some form of literacy or might not be able to communicate in their minority language). In the same vein, women may choose not to use clinics for child delivery because of a lack of skilled birth attendants or culturally appropriate birthing methods.

66. Women rely on social services more than men owing to their reproductive and caregiving roles. Thus, if social services remain indifferent to the specific needs and vulnerabilities of women, and if economic barriers such as service fees for health and education remain in place, the potential benefits of social protection will be undermined.

V. A human rights approach to social protection for the achievement of the Millennium Development Goals

67. The present report stresses the fact that a rights-based approach to social protection programmes will maximize their potential for ensuring the achievement of the Millennium Development Goals. This section contains recommendations

[55] Holmes and Jones, *Putting the Social Buck into Social Protection*.

concerning how to frame the discourse on social protection and the Goals in human rights terms. Social protection interventions based on human rights can ensure that underlying obstacles cutting across all Millennium Development Goals are tackled. As the core of a rights-based social protection system, special attention to the various impacts of poverty on men and women must be provided by policymakers during the design, implementation, monitoring and evaluation of programmes.

A. Recognizing State obligations to provide social protection and ensuring an adequate legal and institutional framework

68. The establishment of a solid legal and institutional framework for social protection measures at the national level is a fundamental first step towards the realization of human rights as well as the achievement of the Millennium Development Goals. Enshrining social protection within domestic law affirms the duty of States to protect and promote the right to social security and an adequate standard of living. It solidifies States' long-term commitment to poverty reduction, placing social protection firmly on the political agenda. The independent expert has repeatedly emphasized the significance of legal and institutional frameworks in ensuring the long-term success of social protection programmes.[56]

69. The explicit inclusion of human rights norms, such as the right to social security, in domestic legislation places social protection within a framework of legally binding and enforceable rights and obligations. For example, various State constitutions unambiguously provide for the right to social security. Under such a framework, beneficiaries of social protection become "rights-holders" who can make claims against the State. Similarly, States and development partners become "duty-bearers", responsible for allocating resources to social protection in a manner that reflects human rights principles.

70. Legal and institutional frameworks also clarify the various roles and responsibilities of all stakeholders (Governments, development agencies and civil society organizations, as well as beneficiaries). This is an essential requirement for accountability. It also guarantees the involvement of State authorities throughout the development of social protection programmes. Clear and effective legal and institutional frameworks also significantly reduce the risk that political changes will jeopardize existing social protection programmes, which in turn protects beneficiaries from potential violations of their right to social security.

B. Adopting comprehensive, coherent and coordinated policies

71. The interdependence and the mutually reinforcing nature of human rights demand that States approach social protection holistically. They require that States establish a network of policies and programmes that collectively support the realization of all rights and the highest possible level of development. For example, if States are concerned exclusively with achieving Millennium Development Goal 2, they might opt for policies that will increase the overall number of children in school, but fail to ensure equal access to education. Conversely, if a State recognizes that the objective is not simply to achieve Goal 2, but also to provide for the right of

[56] See A/HRC/14/31.

everyone, without discrimination of any kind, to a high-quality education — which, in the longer term, will do more to help overcome poverty — policymakers will need to examine how social protection could better assist in meeting Millennium Development Goal targets in a manner that addresses issues of social inequality and vulnerability.

72. Similarly, while social protection interventions such as cash transfers free up financial resources that families can use to improve their health, such gains risk becoming meaningless in the absence of measures to guarantee universal enjoyment of the right to health, such as ensuring the adequacy of health-care infrastructure. The positive interaction among social protection, human rights and the Millennium Development Goals is strongest when it forms part of a supporting network of social policies (for example, quality standards for teachers and health-care professionals, infrastructure development and public awareness campaigns related to health and education).

C. Respecting the principles of equality and non-discrimination

73. States have the duty to protect persons against risks and vulnerabilities in an equal and non-discriminatory manner. Human rights obligations go beyond eliminating discrimination in law, policy and practice, and require States to take special measures to protect the most vulnerable segments of society as a matter of priority, while taking measures to progressively ensure universal protection. In this regard, the human rights approach is fundamental in channelling policies related to the Millennium Development Goals towards those who are most vulnerable and suffer most from direct and indirect forms of discrimination. Such channelling is an element missing from the Millennium Development Goal agenda.

74. Ensuring respect for these principles implies a preference for schemes that are universal. While targeting mechanisms may be seen as a way in which to reach those in extreme poverty, States must remain focused on the ultimate goal. While policies should prioritize the most vulnerable and disadvantaged, in accordance with human rights standards, they must also form part of longer-term strategies to progressively ensure universal coverage.

75. Accepting these principles entails both carefully screening policy choices to prevent the unfair exclusion of disadvantaged and disempowered groups — in particular, persons with disabilities, older persons, indigenous peoples, minorities and persons with HIV/AIDS — and actively seeking out ways to ensure that they are reached. In this regard, social protection programmes must be physically and culturally accessible. This means, for example, that benefits must be distributed within a safe physical distance and that transportation or opportunity costs must be taken into account. Outreach and information regarding programmes must be specifically designed to reach groups that are particularly vulnerable or excluded; examples include radio announcements and community plays aimed at overcoming illiteracy. Information about programmes must be available in the languages of minorities, indigenous peoples and immigrant populations.

76. Accessibility also requires that policymakers assess and take into account any possible discriminatory impact of the manner in which grants or transfers are disbursed. For example, owing to limited mobility (such as that of persons with disabilities and older persons), lack of familiarity with electronic methods of

payment (such as through the use of debit cards and mobile phones) and the gender impact (such as when queues are guarded by armed personnel), modes of disbursement could have unintended discriminatory effects.

77. Furthermore, registration processes can exacerbate social inequalities. What may appear to be a standard requirement can lead to the exclusion of linguistic minorities or persons with disabilities. Administrative barriers that inadvertently discriminate against those living in extreme poverty — for example, by requiring expensive identification documents, or requiring birth registration documents in areas where many people are not registered at birth — should be removed.

78. In practical terms, States must devise strategies to overcome context-specific cultural and geographical barriers. For instance, some States provide boarding facilities at some primary and secondary schools to encourage children living in remote areas or belonging to nomadic groups to attend school.[57] Likewise, States should develop more specific and disaggregated development indicators so as to tailor their social programmes more precisely and equitably to the needs of particular communities and groups.

D. Establishing gender-aware social protection

79. In addition to avoiding policies that exacerbate gender inequalities, social protection systems should actively promote gender equality and empower women. Policymakers must design, implement, monitor and evaluate social protection initiatives through a gender lens. Programmes should address asymmetries of power and structural inequalities, and enhance the realization of women's rights. They must take into account the multiple forms of discrimination that women experience, and ensure that women's specific needs are addressed throughout their lives: during adolescence, adulthood and old age.

80. The outcomes and impacts of social protection systems vary greatly; what has worked well in one context may work differently in another.[58] Given that social protection programmes are implemented in a variety of distinct social, economic, political and cultural contexts, each of which entails different gender roles and perspectives, it is impossible to provide a "one-size-fits-all" policy that will ensure a rights-based approach and gender awareness. However, a number of core gender-related dimensions can be identified.

81. Before designing and implementing a gender-aware social protection policy, States must conduct a comprehensive and disaggregated gender analysis that assesses the vulnerabilities of both genders as potential beneficiaries. The collection of disaggregated data, in terms of both sex and age, is essential not only for the design of effective social protection systems, but also for the unmasking of the gender dynamics that underpin — and often undermine — the achievement of the Millennium Development Goals.

82. Social protection programmes must be designed to address imbalances, risks and vulnerabilities, particularly with respect to gaining access to productive resources, education, health and work, as well as in terms of the reproductive and

[57] Questionnaire responses of Botswana and Greece (see footnote 2).

[58] Davies, *DFID Social Transfers Evaluation Summary Report*.

productive role of women. This requires adopting and supporting policies that address the specific gender-based obstacles preventing men and women from participating in social protection programmes on equal terms.

83. Social protection programmes must respect and acknowledge the role played by women as providers of care, without reinforcing patterns of discrimination and negative stereotyping. Measures must be taken to promote the value of care and to combine societal and State responsibilities for care work, encouraging men to participate more actively in supporting and caring for family members.

84. Programmes must be designed to mitigate gender-based power relations and address unequal decision-making powers and roles within both the household and the community. States should, for example, ensure the effective participation of women by establishing sex quotas in the governance structures of programmes. Programmes should take every opportunity to promote gender equality and mobilize women to organize themselves. For example, programme administrators should explore ways in which to make the best possible use of their regular interaction with communities to address prevailing gender inequalities, including identifying women's obstacles and addressing gender-based violence and early marriage. Where community meetings exist, they can be used to address women's time constraints and to mobilize women's groups.

85. Policymakers should invest in capacity-building to ensure that those implementing social programmes at both the national and the local levels are aware of gender issues. In addition, programmes should encourage capacity-building that empowers women to claim their rights. It is also critical that social protection programmes include built-in participation and accountability channels that are accessible to both women and men. Furthermore, gender indicators must be integrated into the monitoring and evaluation of social programmes.

86. The positive contribution of social protection to the achievement of the Millennium Development Goals depends in large part on access (both economic and physical) to culturally and gender-sensitive social services of good quality. This requires that policymakers understand and take into account the various challenges faced by women and men in seeking to gain access to social services.

87. Social protection is not a policy panacea and must be regarded as one element in a broad development strategy aimed at overcoming poverty and ensuring the enjoyment of human rights, including equality between men and women. It should be developed in coordination with other policies addressing the various factors causing or perpetuating gender inequality. In most countries, women's vulnerability to poverty would not change with social protection alone. Measures such as ensuring for women access to land, productive resources and credit; fair inheritance rights; full legal capacity; access to justice; and the removal of mobility restrictions are critical to effective development strategies. Moreover, the protection of women and girls from acts of violence against them, and the prevention and punishment of such acts, are essential for improving their standard of living. In this regard, national legislation must be in line with international human rights standards, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

E. Guaranteeing participation, transparency and accountability

88. If they are to contribute to the transformative process envisioned in the context of human rights obligations, social protection programmes and policies must create space for effective and meaningful participation. From a human rights perspective, the effective participation of the beneficiaries is not only desirable in terms of ownership and sustainability, but is in itself a human right: the right to take part in public affairs.

89. This principle is supported by a number of specific human rights, including the right to freedom of expression and association. Participation must go beyond simple consultation. States should create an enabling environment for the effective participation of all vulnerable and disempowered groups, taking into account their constraints as well as asymmetries of power. Participation is also essential to ensure that interventions aimed at the achievement of the Millennium Development Goals are empowering and transformative, rather than the result of technocratic, top-down State policies. There are several programmes into which participatory mechanisms have been incorporated, with varying degrees of success. Brazil's "Bolsa Familia" programme, for example, requires municipal Governments to establish supervisory bodies composed of representatives of both local government and civil society, who jointly make decisions on how best to implement the programme within their community.[59]

90. In order to fulfil their human rights obligations States must guarantee transparency and access to information regarding social protection. They must implement programmes in a manner that enables individuals to easily recognize and understand eligibility criteria, the specific benefits that they will receive, and the redress mechanisms provided.

91. A human rights framework also demands accountability and redress mechanisms. Policymakers and others whose decisions and actions have a negative impact on the right to social security or the right to an adequate standard of living must be held accountable. Independent and effective judicial and quasi-judicial (such as human rights commissions and ombudspersons) mechanisms must be put in place to monitor the formulation and implementation of social policies. As has already been emphasized, in order to ensure that the more disadvantaged and disempowered can gain access to accountability mechanisms, such mechanisms must meet certain technical requirements, such as guaranteeing confidentiality, allowing for individual and collective complaints, being sufficiently resourced, being independent from political interference, and being culturally appropriate and gender-sensitive.

92. Measures to improve participation, transparency and accountability must be culturally, physically and economically accessible to all, without discrimination of any kind. The absence of effective and meaningful participatory channels and accountability mechanisms makes social protection programmes less likely to be understood in terms of entitlements and rights and more likely to be viewed as instruments of clientelism that can be manipulated by political actors.

93. Gaining access to judicial and administrative remedies can be costly and time-consuming, and may not adequately address systemic deficiencies within a

[59] Questionnaire response of Brazil (see footnote 2).

particular programme. Therefore, accountability mechanisms must be accompanied by measures to ensure access for those living in poverty, such as the provision of legal aid. In addition, States must allow for broader political accountability. This entails guaranteeing civil and political rights such as freedom of assembly and expression, and ensuring space for civil society activism and petitioning of the Government.

F. Strengthening international assistance and cooperation

94. The Millennium Declaration and the Millennium Development Goals highlight the shared international responsibility for poverty reduction and the need for a partnership among developed and developing countries against extreme poverty. Numerous legally binding human rights obligations refer to international assistance and cooperation.[60] Additionally, States must ensure that their international assistance and domestic development policies are designed and implemented in ways consistent with their human rights obligations, and further the realization of human rights in the recipient countries.

95. The international community can play a key role in supporting the establishment and scale-up of social protection systems. A number of core common principles can guide donors on how best to ensure and support the long-term sustainability of social security systems in recipient States. The statements of Governments reaffirming their commitment to human rights, gender equality and social protection must be translated into the increased allocation of resources to social protection systems that take into account gender equality.

96. Donor States must ensure coordination, predictability and a long-term perspective in the provision of assistance. Ensuring sustainability requires the strengthening of the recipient State's capability to eventually implement the programme unassisted. This includes a broad range of measures that can be supported by donor States, such as providing technical support to local and national authorities, building civil society's capacity to monitor the social protection system and hold the Government accountable, and assisting in strengthening the capacity to mobilize domestic resources (such as through more effective tax systems).

VI. Conclusions

97. **The fact that social protection initiatives worldwide are contributing to the achievement of all Millennium Development Goals is well known and widely accepted. Social protection, in particular social assistance, has the potential to improve the living conditions of those living in extreme poverty and to facilitate their enjoyment of various human rights, in particular the right to an adequate standard of living and to social security.**

[60] See articles 55 and 56 of the Charter of the United Nations, articles 2(1) and 11 of the International Covenant on Economic, Social and Cultural Rights, article 4 of the Convention on the Rights of the Child and article 32 of the Convention on the Rights of Persons with Disabilities, which impose legally binding obligations with regard to international assistance and cooperation.

98. **It is widely recognized that social protection interventions do not work in isolation; they must be developed within a broader policy framework, integrating various protective initiatives and ensuring access to essential social services and a favourable economic environment. The present report provides concrete recommendations regarding the core elements of a rights-based social protection system. The adoption of a human rights approach to social protection not only responds to international obligations and commitments, but also improves the effectiveness of such strategies and aligns them with the holistic perspective required to tackle the various dimensions of poverty.**

99. **The Millennium Development Goal review process is an opportunity to build and expand social protection systems, translating statements of commitment to the elimination of extreme poverty into reality. Raising awareness of human rights and how individuals can claim them would further contribute to poverty reduction. Human rights, such as the right to social security, an adequate standard of living and decent working conditions, and equality between women and men, are enshrined in numerous international human rights treaties, under which States are obligated to take concrete measures.**

100. **The review process is also an important opportunity to strengthen the international environment supporting gender equality in a broad sense and women's own voice and agency. Improvements in gender equality achieved through social protection and other, more comprehensive measures are strongly linked to the eradication of extreme poverty and hunger (Millennium Development Goal 1). Calls for the achievement of Millennium Development Goals must be complemented by a renewed commitment to the existing gender-related framework within human rights law, such as the Convention on the Elimination of all Forms of Discrimination against Women. Over the next five years, in order to ensure compliance with the Goals as well as with the commitments after 2015, gender-specific issues should be made much more visible.**

101. **Poverty is not gender-neutral, and any approach to social protection that is aimed at achieving the Millennium Development Goals while respecting human rights must take account of the fact that women and men experience poverty differently. Numerous studies have shown a positive link between improvement in terms of women's access to health care, education and other social benefits, and economic growth, the reduction of income poverty and overall progress in achieving the Millennium Development Goals. Gender equality is a development objective to which gender-aware social protection can contribute.**